

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
LARRY WILSON,)
)
Defendant.)

CASE NO. CR03-70 TSZ

DETENTION ORDER

Offenses charged:

Count I: Conspiracy to Manufacture Marijuana, in violation of Title 21,
U.S.C., Sections 841(a)(1) and 841(b)(1)(B), and 846.

Date of Detention Hearing: August 24, 2005.

The Court, having conducted a contested detention hearing pursuant to Title 18
U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention
hereafter set forth, finds that no condition or combination of conditions which the defendant
can meet will reasonably assure the appearance of the defendant as required and the safety
of any other person and the community. The Government was represented by Lisca
Borichewski for Douglas Whalley. The defendant was represented by Ralph Hurvitz.

The Government filed a Motion for Detention; the defense argued for the

1 defendant's release.

2 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

3 (1) There is probable cause to believe the defendant committed the
4 conspiracy drug offense. The maximum penalty is in excess of ten years.
5 There is therefore a rebuttable presumption against the defendant's
6 release based upon both dangerousness and flight risk, under Title 18
7 U.S.C. § 3142(e).

8 (2) Nothing in this record satisfactorily rebuts the presumption against
9 release for several reasons:

10 (a) The defendant poses a risk of nonappearance as his background
11 and ties to the Western District of Washington are unknown or
12 unverified;

13 (b) Further supporting the defendant's risk of nonappearance, the
14 Court notes that the defendant had been wanted on the instant
15 offense since *February 13, 2003*.

16 (c) Due to the nature and seriousness of the instant offense, combined
17 with the defendant's criminal history and unknown background,
18 release of the defendant would pose a risk of danger to the
19 community.

20 (3) Based upon the foregoing information which is consistent with the
21 recommendation of U.S. Pre-trial Services, it appears that there is no
22 condition or combination of conditions that would reasonably assure
23 future Court appearances and/or the safety of other persons or the
24 community.

25 **It is therefore ORDERED:**

26 (1) The defendant shall be detained pending trial and committed to the

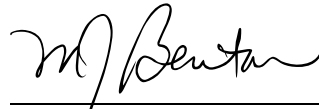
1 custody of the Attorney General for confinement in a correction facility
2 separate, to the extent practicable, from persons awaiting or serving
3 sentences or being held in custody pending appeal;

4 (2) The defendant shall be afforded reasonable opportunity for private
5 consultation with counsel;

6 (3) On order of a court of the United States or on request of an attorney for
7 the Government, the person in charge of the corrections facility in which
8 the defendant is confined shall deliver the defendant to a United States
9 Marshal for the purpose of an appearance in connection with a court
10 proceeding; and

11 (4) The clerk shall direct copies of this order to counsel for the United
12 States, to counsel for the defendant, to the United States Marshal, and to
13 the United States Pretrial Services Officer.

14 DATED this 1st day of September, 2005.

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17 Monica J. Benton
18 United States Magistrate Judge
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